

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

Notice to Receive Interested Party Comments on a Proposed Settlement Agreement with a Prospective Purchaser of the Property Known as the Chemical Control Superfund Site in the City of Elizabeth, Union County

Take notice that the New Jersey Department of Environmental Protection (the Department) hereby gives notice of a proposed Settlement Agreement concerning the prospective purchase and alleged liability for remediation of the property known as the Chemical Control Superfund Site located at 23-63 Front Street, City of Elizabeth, Union County (Site). The site is also known and designated as Block 4, Lots 1438, 1438.c and 1438.d on the Tax Map of the City of Elizabeth, which the Department has designated as Site Remediation Program Interest No. G000000610.

The Department, under the authority of N.J.S.A. 13:1D-1 through 19, and by the authority of the Spill Compensation and Control Act (Spill Act), N.J.S.A. 58:10-23.11 through 23.24, the Site Remediation Reform Act, N.J.S.A. 58:10C-1 through 29, and pursuant to the authority vested in the Administrator of the New Jersey Spill Fund and the authority delegated to the Assistant Director of the Enforcement and Information Support Element within the Site Remediation and Waste Management Program pursuant to N.J.S.A. 13:1B-4, proposes to enter into this Settlement Agreement with Construction and Marine Equipment Company and Dengel Properties, LLC. Under the terms of the proposed Settlement Agreement, Construction and Marine Equipment Company and Dengel Properties, LLC would agree to settle their alleged liability to the Department for the remediation of the Site. Dengel Properties, LLC would retain

a Licensed Site Remediation Professional to address specified remedial requirements at the Site including filing a Deed Notice, establishment of a groundwater Classification Exemption Area, and obtaining Soil and Groundwater Remedial Action Permits for the Site. Dengel Properties, LLC would also be responsible for the repair of any damage to the cap or the fence at the site and would establish Financial Assurance for the repair of any such damage.

It is the intent of the Department, Construction and Marine Equipment Company and Dengel Properties, LLC that this Settlement Agreement constitutes a judicially approved settlement within the meaning of 42 U.S.C. § 9613(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq., and N.J.S.A. 58:10-23.11f.a(2)(b) of the Spill Act for the purpose of providing protection from contribution actions or claims for matters addressed in the Settlement Agreement.

A copy of the proposed Settlement Agreement is available for inspection at the Department's main office at 401 East State Street, in Trenton, New Jersey and via the Internet at www.nj.gov/dep/srp/settlements. A copy of the Department's files concerning the Site is available for review by contacting the Office of Record Access, DEP, PO Box 420, Mail Code 401-06Q, Trenton, NJ 08625-0420 or via e-mail at records.custodian@dep.state.nj.us.

Interested persons may submit comments on the entry of the Settlement Agreement concerning the remediation of the Property to Kevin F. Kratina, Assistant Director, DEP, Site Remediation and Waste Management Program, Enforcement and Information Support Element, 401 East State Street, PO Box 420 - Mail Code 401-06A, Trenton, NJ 08625-0420.

All comments must be submitted within 60 calendar days of the date of this public notice. The Department will consider all comments received and may decide to withdraw or withhold

consent to the entry of the Settlement Agreement if comments disclose facts or considerations that show that the Settlement Agreement is inappropriate, improper, or inadequate.